

REMARKS:

A Supplemental Information Disclosure Statement is being filed concurrently with the filing of a Second Request for Continued Examination and this Third Amendment. As is set forth in the SIDS, Herr Jürgen Stiel, the house patent counsel for the assignee of the subject application, Koenig & Bauer Aktiengesellschaft, received a letter dated June 18, 2010. The letter was sent to Herr Stiel by Mr. Rutger Jansen of the company CONTIWEB B.V.; 5831 AZ, Boxmeer, The Netherlands. The letter advised Herr Stiel that CONTIWEB B.V. delivered to R.H. Donnelley of Dwight, Illinois, a reel transportation system with a MAN ROLAND LITHOMAN printing press. The letter from Mr. Jansen was accompanied by an undated photograph, an undated drawing, and a bill of lading dated February 4, 2004. Copies of those materials are included with the SIDS.

The bill of lading indicates that two articles were either to be or were being transferred from Boxmeer, Holland, to Bremen, Germany, on February 4, 2004. The bill of lading offers little explanation of the nature of the goods being or to be transferred. It did indicate that their weight was almost 19,000 kG or 42,000 lbs. It was asserted, by Mr. Jansen, that the bill of lading is evidence of the shipment of the reel transport system depicted in the drawing and photograph, which accompanied the bill of lading, to the Donnelley facility in Dwight, Illinois. Due to the weight of the shipment and the fact that Bremen, Germany, is a port city, it must be assumed that the shipment from Bremen to the United States was via ship.

The subject U.S. application claims priority to a German patent application, DE 10 2004 008 771.7, which was filed on February 23, 2004. The effective actual filing date of the U.S. application is the filing date of the PCT application which designated the U.S. That date was February 9, 2005. Section 35 U.S.C. 102(b) requires that any public use of an invention in the United States be more than a year prior to the actual filing date of the U.S. application. It is very clear that whatever material was transported from Boxmeer, Holland, to Bremen, Germany, starting on February 4, 2004, could not have been shipped by boat from Bremen, Germany, for arrival and assembly in the United States at the Donnelley facility in Dwight, Illinois, by February 9, 2004, as would be required to allow this material to be considered as prior art under 35 U.S.C. 102(b).

There is no evidence that the drawing or the photograph presented to Herr Stiel on June 18, 2010, constitutes a printed publication under 35 U.S. C. 102(b). The drawing appears to be identified as "LAYOUT PASTERS" and does not appear to have a readable date. An enlargement of the legend portion of the drawing is enclosed with the SIDS. It is again believed that there is no reason to believe that this drawing constitutes a "printed publication" under 35 U.S.C. 102(b).

The title of the drawing, "LAYOUT PASTERS" indicates that what is depicted is a layout for a reel preparation area in which reels of paper are prepared with an adhesive or are "pasted" so that they are usable in a reel changer to accomplish a flying web splice. In the photograph that has been submitted with the SIDS, the gentleman standing at the right is quite probably located in such a reel preparation area. Even if the apparatus depicted in that photograph could be construed as prior art, which is not

believed to be the case and which is not admitted by the assignee of this application, it does not anticipate or render obvious the subject matter that is recited in the claims now pending in the subject application.

It is not clear, either from the drawing, or from the photograph, that the reel in the preparation area, adjacent the machine, is transported by a primary transport cart. It is also not clear how the reel in the preparation area would be transferred from the reel preparation area to the intermediate storage area. In that intermediate storage area, as seen in the photograph, there is one such storage space to the left of the reel changer and there is one reel storage space to the right of the reel changer. It is further not clear whether or not the prepared reels of paper are supported in these two reel storage areas by primary transport carts, all as is recited in claim 89, the sole independent claim now pending in the subject U.S. patent application. The drawing appears to show only a single transport cart which moves along rails toward and away from the reel changer. Thus, even if this newly submitted material were to be construed as being prior art, which it is believed not to be, it would not provide the teachings of the print machine, as set forth in currently pending claim 89 and its associated dependent claims.

Claim 89, as currently pending, recites the provision of a plurality of primary transport carriages each of which is adapted to support a reel of material during movement directly from the reel preparation area to the intermediate reel storage area. The newly submitted drawing and photograph do not show such a plurality of primary transport carriages. They do not show a single such primary transport carriage. Claim 89, as currently pending, further recites a plurality of reel storage spaces with at least

two of those reel storage spaces being aligned directly one in front of the other in the longitudinal direction of the web processing machine. In the device depicted in the photograph, it is very clear that there is only one reel storage space on either side of the central channel along which a transport cart can move. That transport cart, as seen in the drawing sent to Herr Stiel, does not appear to be adapted to receive a primary cart which was used to move each reel from the reel preparation area to an individual one of the reel storage areas, at least two of which are aligned one behind the other in the longitudinal direction of the web processing machine, a configuration not shown or suggested in the materials sent to Herr Stiel by Mr. Jansen.

It is again to be kept in mind that the material submitted to Herr Stiel by Mr. Jansen is not believed to be prior art to the subject invention. A verified translation of the German priority document can be provided to the Examiner, if he so desires. Clearly, a shipment of 40,000 pounds of material from Bremen, Germany, to the Donnelley facility in Dwight, Illinois, and the assemblage and use of that material, to make it a public use bar under 35 U.S.C. 102(b), could not have taken place between February 4, 2004, and February 9, 2004. This material is being submitted in accordance with conservative practice and again is not admitted to be, or believed to be, prior art to the subject invention.

Claim 89 was amended, in the Amendment filed October 30, 2009, to recite in part, that each of the reel change spaces has a width equal to twice the reel width of a reel of material. That recitation was added by the undersigned as a result of a misinterpretation of instructions provided to the undersigned by the applicants'

representative in Germany. That recitation was carried forward in the Second Amendment and was present in claim 89, as allowed. That limitation has been removed from currently pending, independent claim 89 since it is unduly restrictive and is not a feature that is required to differentiate over the prior art. A review of the remarks made in the Second Amendment, and in the Examiner's reasons for allowance, make it clear that this previously recited aspect of the subject invention was not determinative of the issue of patentability. Claim 89 has thus been amended to recite that the at least two of the reel storage areas that are situated aligned directly one in front of the other, in the longitudinal direction of the web processing machine, each have a separate branch transport line extending perpendicular to the transport route and that a spacing between adjacent one of the branch transport lines is greater than the reel diameter. This language has been added from claim 109, which claim has been cancelled.

The claims now pending in the subject application assume that the Examiner's Amendment, which was part of the Notice of Allowability, has been entered. If that assumption is not correct, the Examiner is requested to contact the undersigned. Additionally, the previously withdrawn claims, that were included in the allowed claims listed in the Notice of Allowance, are presumed to now be pending for the purposes of the Third Amendment. Where appropriate, they had been identified as being previously pending. Several of the dependent claims now pending have been further amended to correct minor errors noted by the undersigned during a review of all of the claims. These various minor changes do not affect the continued allowability of these claims.

SUMMARY:

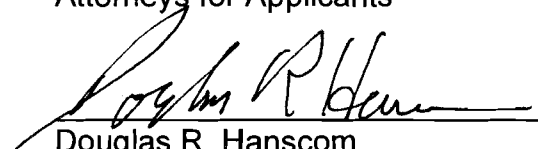
Materials, not believed to be prior art, but being submitted in the concurrently filed SIDS, are discussed. The Examiner is asked to consider that discussion in the context that those materials are not believed to be prior art.

Claim 89 and several of the dependent claims have been amended. Claim 89 is believed to provide the applicants with the scope of protection to which they are entitled in view of the prior art cited and relied on. Consideration of this Third Amendment and the issuance of a new Notice of Allowance is respectfully requested.

Respectfully Submitted,

Erwin Paul Josef LEHRIEDER et al.
Applicants

JONES, TULLAR & COOPER, P.C.
Attorneys for Applicants



Douglas R. Hanscom
Reg. No. 26,600

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JONES, TULLAR & COOPER, P.C.
Customer No. 23294
P.O. Box 2266 Eads Station
Arlington, Virginia 22202
Phone: (703) 415-1500
Fax: (703) 415-1508
E-mail: mail@jonestullarcooper.com

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